stories relating to a mysterious murder. After some parleying the defendant agreed to take the story and pay $200 therefor, provided it was reduced in length. When reduced defendant refused to publish it under Clemens' name, and Clemens refused to consent to its publication except under his name. Thereupon defendant withheld payment. The Supreme Court, Appellate Term, in Clemens *v.* Press Pub. Co., 122 New York Supplement, 206, holds that in view of the fact that there was a sale and delivery of the story under which title vested in defendant, Clemens could neither compel nor prevent the publication of the story, and that nothing remained to be done but for defendant to pay the agreed purchase price.

Naturalization.—The case of United States *v.* Cohen, 179 Federal Reporter, 834, presents a new question of naturalization. The appellee was a woman 60 years of age, born in Germany, and a resident of New York since 1869. She filed her declaration of intention in 1907, and her petition for naturalization in 1909. In 1870 she married an alien of Russia, whom she has lived with ever since. The question, then, is whether the alien wife of an alien man, both having resided here for over 30 years, can become a citizen. The court said that the wife must take her husband's citizenship, and that one could not be a citizen and the other an alien. Even if she had been an American woman, she would immediately have become a Russian citizen upon her marriage. The certificate of naturalization was canceled.

X-Ray Machine—Evidence.—An entirely new use has been found for the X-ray machine, and a new mode of acquiring evidence, in Browder *v.* Commonwealth, 123 Southwestern Reporter, 328. A negro was on trial for shooting and killing a white man. He did not deny the shooting, but claimed he shot in self-defense. The deceased after the shooting had a pistol. Defendant claimed that he had been shot in the breast by deceased, which was the beginning of the difficulty. It would necessarily follow that if defendant was shot, and if he could affirmatively prove it, then a case of self-defense would be clearly established. Accused moved for a continuance in order that he might be examined with the X-ray by a physician to show that he was shot in the breast and that the bullet had lodged in his back. The court on appeal held that defendant on return of the case might be taken from jail to an X-ray machine and examined; for this fact, if proved, would strengthen his testimony as to what occurred at the time of the homicide.

Butcher May Serve on the Grand Jury.—Is a butcher disqualified from serving on the grand jury merely because of his occupation? Appellant in the case of Mason *v.* State, 53 Southern Reporter, 153, contended that the constant taking of life—the shedding of the blood

of animals, with its sight and smell—rendered a man incompetent to serve as a petit juror in the trial of a capital case. The Supreme Court of Alabama holds that, while the contentions may be true, they do not judicially know it, since the mere fact that a man is experienced and expert in taking the blood and lives of the lower animals in the due course of trade does not necessarily make him inclined or likely to take the life or blood of a fellow man.

Two and Two-Fifths Inches of Ground Is Material.—The case of In re Clement, 124 New York Supplement, 1039, is a proceeding to revoke a liquor license issued to Barbara Haas, because of a false statement made in obtaining it. There is a law providing that, before the issuance of such certificate, the applicant must secure the consent in writing of at least two-thirds of the owners of the total number of buildings occupied as dwellings the nearest entrances to which are within 200 feet, measured in straight lines to the nearest entrance of the premises on which traffic in liquors is to be carried on. There were eleven buildings within the distance of 200 feet from the place where the liquor traffic was conducted, one of which lacked only two and two-fifths inches of being 200 feet away, and was not included in the applicant's statement. The Supreme Court of New York holds that the omission was material, and that the license should be revoked. The Judge said: "In reaching the conclusion, I am not unmindful of the maxim, 'The law cares not for small things,' but a failure on the part of the court to grant this petition and revoke the license would make the administration of the excise law ridiculous, as well as the violation of the same easy and safe. It would encourage a still greater disrespect for the excise law, if that is possible, and such disrespect would be aided and sanctioned by the court. * * * In order to procure this revocation, it must be done upon legal grounds, and apparently none seemed open to the commissioner other than the question of distance. While, on its face, this application, by reason of the fact that but two and two-fifths inches is the foundation upon which this proceeding is presented to the court, might be deemed frivolous and officious, under all the facts and circumstances there seems to be no reason why the court should strain after sustaining this license, but every reason appears why the same should be revoked."

Action for Failure to Ship a Corpse.—An extraordinary case is found reported in 130 Southwestern, 1035, entitled Pacific Express Co. *v.* Gathright. It is shown that appellee's husband died in El Paso, Tex., on December 7, 1907, at a hotel, and the control of the corpse was turned over to a firm of undertakers by the hotel authorities. One of the undertakers had information that the wife of deceased resided in Ft. Worth, and acting thereon, he advised the express